

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 65 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JAYANTI A PATEL & ANR.

Versus

GUJ. NARMADA VALLEY FERT. CO. LTD.

Appearance:

MR BHARAT J SHELAT for Petitioners

None present for the Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/08/96

ORAL JUDGMENT

The matter was called out for hearing in the first round and then in the second round in the first sitting and also in the third round in the second sitting, but none appeared for respondent. Heard learned counsel for the petitioner.

2. The petitioners who are working in Gujarat Narmada Valley Fertilizers Co. Ltd., filed this petition before this Court having apprehension of termination of

their services. Their services were not terminated but this petition has been filed in apprehension.

3. In the affidavit in reply, the respondent, in para 4(C) has admitted that this petition is pre-mature as it has been filed merely on apprehension of the service of the petitioners being terminated by the respondent-company, when in fact no such action has been taken by the respondent or has been alleged in the petition. It has further been stated that the petition therefore discloses no cause of action and the petition therefore deserves to be rejected outright.

4. In view of this admission of the respondent-company, the apprehension with which the petitioners have come up before this Court is not well founded. I find sufficient merits in the reply of the respondent that this petition is pre-mature. So far as the other relief prayed for by the petitioners, that the respondent-company may be directed to give them the pay in the grades of the posts on which they are working from the date of appointment is concerned, it is suffice to say that before approaching this Court with such prayer, the petitioners should have approached the Company by way of appropriate representation. Be that as it may. So far as second prayer is concerned, it is still open to the petitioners to first make a representation in this respect to the respondent-company and it is expected of the respondent-company that in case such representation is made by them, it will consider the same in accordance with law.

5. In the result, this Special Civil Application stands dismissed accordingly. Rule is discharged. Ad-interim relief, if any, granted by this Court stands vacated. No order as to costs.

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(sunil)